

Message Text

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ACTION DLOS-03

INFO OCT-01 ISO-00 SCI-03 AF-04 EB-03 L-02 SS-14 SP-01

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R 181200Z MAY 74

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC 7798

INFO AMEMBASSY ABIDJAN

AMEMBASSY DAR ES SALAAM

AMEMBASSY LAGOS

AMEMBASSY NEW DELHI

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C O N F I D E N T I A L SECTION 1 OF 2 KINSHASA 4337

STADIS

LIMDIS

DEPT FOR STUART MCINTYRE D/LOS

DELHI ATTN. OXMANS

USUN PASS AMB. STEVENSON ON ARRIVAL

E.O. 11652: GDS

TAGS: PBOR, CG

SUBJ: VISIT OF LOS TEAM TO ZAIRE

REF: KINSHASA 4274

SUMMARY: EMB. CHARGE NEWLIN, ANDREW, AND JOHN NORTON MOORE, THE DEPUTY SPECIAL REP OF THE PRESIDENT FOR THE LOS CONFERENCE, MET WITH ZAIRE DIRECTOR GENERAL OF FOREIGN AFFAIRS BOLELA WHO STRESSED IMPORTANCE OF CONFERENCE AND INTEREST OF ZAIRE IN ACCESS TO THE SEA. LOS TEAM LED BY MOORE SUBSEQUENTLY MET FOR 4-1/2 HRS WITH ZAIRIAN LOS TEAM HEADED BY DIRECTOR
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FOR POLITICAL AFFAIRS KALONJI. KALONJI STRESSED

INTEREST OF ZAIRE IN INT'L SERVITUDE ENSURING ACCESS TO THE SEA AS PART OF MULTILATERAL TREATY, ACCESS TO FISHERIES OF NEIGHBORING COASTS ON BASIS OF TRADITIONAL FISHING WITHOUT PAYING FEES, AND REGULATION OF PRODUCTION OF DEEP SEABED MINING TO ENSURE PROTECTION FOR ZAIRIAN MINERALS PRODUCTION. KALONJI ALSO INDICATED ZAIRE INTERESTED IN COASTAL STATE ENFORCEMENT OF INT'L STANDARDS ADOPTED BY IMCO FOR VESSEL-SOURCE POLLUTION IN ZONE ADJACENT TO TERRITORIAL SEA THOUGH SOME POSSIBILITIES OF LIMITING THIS TO EMERGENCY OR EXTRAORDINARY THREATS TO COASTAL STATE. KALONJI INDICATED ACCEPTANCE "IN PRINCIPLE" OF IDEA OF EXCLUSIVE ECONOMIC ZONE INCLUDING CONSENT REGIME FOR SCIENTIFIC RESEARCH AND FREE NAVIGATION AND OVERFLIGHT IN ZONES, SAID ZAIRE FAVORS A 12 MILE TERRITORIAL SEA, AND INDICATED ZAIRE FAVORS A BALANCE ON STRAITS BETWEEN RIGHTS INT'L COMMUNITY AND RIGHTS COASTAL STATES. END SUMMARY.

1. MOORE AND EMBOFF MADE COURTESY CALL ON KALONJI, WHO WILL APPARENTLY HEAD SIX OR SEVEN MAN ZAIRIAN LOS TEAM TO CARACAS. KALONJI EXPRESSED APPRECIATION FOR VISIT OF U.S. LOS TEAM AND OBVIOUS UNDERSTANDING OF IMPORTANCE OF CONFERENCE.

2. MOORE AND EMBOFF MADE COURTESY CALL ON FOR.OFF. DIRECTOR GENERAL BOLELA WHO ALSO SEEMED AWARE OF GREAT IMPORTANCE OF CONFERENCE AND THE ZAIRIAN ROLE IN LAND-LOCKED, SHELF-LOCKED GROUP. HE STRESSED INTEREST OF ZAIRE IN ENSURED ACCESS TO THE SEA AND INDICATED THEY SOUGHT SUCH ACCESS THROUGH DAR-ES-SALAAM, BEIRA, LOBITO, AND DOUALA (WHEN TRANS-AFRICAN HIGHWAY COMPLETED). THOUGH NOT AN EXPERT ON LOS, BOLELA CLEARLY INTERESTED IN THE ISSUE AND INFORMED ABOUT THE POLITICAL ROLE AND PRINCIPAL INTERESTS OF ZAIRE IN THE CONFERENCE. MOORE STRESSED COMMON INTERESTS OF U.S. AND AFRICAN STATES IN ADHERING TO G.A. CONFERENCE SCHEDULE AND IN WORKING CLOSELY TOGETHER IN CARACAS.

3. MOORE, BRITTIN, DUGGER AND STORER MET WITH KALONJI FOR FOUR AND ONE-HALF HOUR DETAILED DISCUSSION LOS
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ISSUES. KALONJI ACCOMPANIED BY OFFICIALS OTHER DEPTS INCLUDING FISHERIES, TRANSPORT AND COMMUNICATIONS, AND PRESIDENT'S OFFICE. KALONJI INDICATED THE FOLLOWING ZAIRIAN POSITIONS:

TERRITORIAL SEA DNA ECONOMIC ZONE (INCLUDING SEABED RESOURCES UNDER NATIONAL JURISDICTION), 12-MILE TERRITORIAL SEA AND ACCEPTANCE IN PRINCIPLE OF EXCLUSIVE ECONOMIC ZONE BUT NO CLEAR POSITION ON WIDTH OF ZONE. IN ZONE, COASTAL

STATE WOULD HAVE RIGHT TO REGULATE POLLUTION AND SCIENTIFIC RESEARCH BUT RIGHTS OF FREE NAVIGATION AND OVERFLIGHT MUST BE PROTECTED.

STRAITS. KALONJI DECLARED LITTLE DIFFERENCE OF POSITION WITH US, BUT STRESSED NEED FOR PROTECTION OF COASTAL STATE RIGHTS. KALONJI ALSO RAISED QUESTIONS CONCERNING WHAT WERE STRAITS USED FOR INT'L NAVIGATION AND HOW DID U.S. PLAN TO PROTECT STRAITS STATE INTERESTS. MOORE REITERATED THAT INNOCENT PASSAGE UNSATISFACTORY AND EMPHASIZED ESSENTIAL NATURE OF TRANSIT RIGHT. KALONJI UNDERSTOOD SIGNIFICANCE OF ISSUE FOR THE U.S. BUT SEEMED TO SUPPORT GENERAL OAU POSITION.

FISHING. HISTORIC FISHING RIGHTS MUST BE RECOGNIZED, BUT ONLY ON REGIONAL BASIS, AND ONLY FOR DEVELOPING COUNTRIES. PREFERENTIAL RIGHTS MUST ALSO BE GIVEN DEVELOPING COUNTRIES ON REGIONAL BASIS AFTER HISTORIC RIGHTS. ESSENTIAL TO PREVENT LARGE-SCALE LONG-DISTANCE FISHING, WHICH COULD EXHAUST FISHERIES. SURPLUS FISH OVER LOCAL CAPACITY TO CATCH, HOWEVER, MAY BE MADE AVAILABLE TO OTHER FOREIGN FISHERMEN, WHO MUST PAY FOR RIGHT. IN SUBSEQUENT DISCUSSION OF FULL UTILIZATION, WHERE MOORE POINTED OUT SIMILARITIES OF US AND ZAIRE POSITION AS COMPARED TO EXCLUSIVE ZONE CONCEPT, KALONJI STATED THAT ZAIRE BELIEVES HISTORIC RIGHTS SHOULD CONTINUE AT HISTORIC LEVEL AND NOT BE SUBJECT DIMINUTION

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AS COASTAL STATE CAPACITY INCREASES, IN FACT, HE INDICATED ZAIRE WOULD WANT POSSIBILITY OF INCREASE UNDER SOME OTHER PRINCIPLE. IN DISCUSSION OF PAYMENT TO COASTAL STATE FOR COSTS OF REGULATION, IT APPEARED ZAIRE TAKES POSITION PAYMENT FOR FISHING RIGHT BY LONG-DISTANCE FISHERMEN SHOULD CONSTITUTE REVENUE DEVICE. KALONJI ANTICIPATED COASTAL STATES WOULD FIND WAY TO RUN MANAGEMENT CHARGES INTO INCOME ANYWAY. IN PRIVATE DISCUSSION SUBSEQUENTLY, ZAIRIAN REP STATED ZAIRE WOULD SUPPORT U.S. POSITION ON MIGRATORY AND ANADROMOUS SPECIES.

ACCESS TO SEAS. SINCE LANDLOCKED AND SHELFLOCKED HAVE EQUAL RIGHT TO EXPLORE AND EXPLOIT OCEANS, ALL STATES MUST HAVE FREE ACCESS. RIGHT TO TRANSIT TO SEA NOT INFRINGEMENT BUT INTERNATIONAL SERVITUDE AND THIS RIGHT MUST BE SPECIFICALLY PROTECTED IN MULTILATER CONVENTION IF IT IS TO BE EFFECTIVE. RELIANCE ON BILATERALS TO GUARANTEE TRANSIT HAS PROVED FAILURE. BILATERALS SHOULD BE USED ONLY TO WORK OUT ARRANGEMENTS FOR COST OF SERVICES ON NON-DISCRIMINATORY BASIS.

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POLLUTION. KALONJI STATED ZAIRE FEELS THAT COASTAL STATE SHOULD SET NORMS FOR POLLUTION CONTROL IN ECONOMIC ZONE AND HAVE ENFORCEMENT RIGHT. ISRA SHOULD REGULATE IN INTERNATIONAL SEABED AREA, BUT COASTAL STATE MUST HAVE VOICE IN REGULATION ALSO. AFTER EXTENSIVE DISCUSSION, KALONJI CLARIFIED ZAIRIANS VIEW THAT, FOR SHIP-BASED POLLUTION, STANDARDS SHOULD BE SET INTERNATIONALLY BY IMCO WITH PARTICIPATION BY COASTAL STATES IN IMCO, BUT DESPITE RECOGNITION OF HAZARDS TO NAVIGATION AFFECTING ZONE-LOCKED STATES, HE REITERATED COASTAL STATE RIGHT TO ENFORCE INTERNATIONAL STANDARDS IN ZONE, INCLUDING RIGHT TO INSPECT AND ARREST WHEN COASTAL STATE HAS REASONABLE CAUSE TO SUSPECT SERIOUS VIOLATION OR THREAT. SEEMED TO ACCEPT MINIMUM INTERNATIONAL STANDARDS SET BY ISRA FOR COASTAL SEABED ECONOMIC AREA.

INTERNATIONAL SEABED AREA. ZAIRE PRIMARILY CONCERNED BY EFFECTS OF SEABED PRODUCTION ON LAND-BASED PRODUCERS, ARGUING THAT ISRA MUST PROTECT LDCS THROUGH PRODUCTION CONTROLS. DECLARED ADJUSTMENT ASSISTANCE INADEQUATE SINCE IT IS UNCERTAIN AND DIFFICULT TO DETERMINE WHO DAMAGED TO WHAT EXTENT. NEVERTHELESS RAISED QUESTIONS ABOUT HOW ADJUSTMENT ASSISTANCE WOULD OPERATE AND DID NOT COMPLETELY DISMISS. SHOWED UNDER-

STANDING OF POLITICAL IMPERATIVES WHEN EFFECT OF PRODUCTION CONTROLS ON ACCEPTANCE OF SEABED REGIME BY CONGRESS EXPLAINED IN FORCEFUL TERMS, BUT DECLARED THAT LDCS MUST PROTECT THEIR ECONOMIES AGAINST WIDE MARKET FLUCTUATIONS.

SCIENTIFIC RESEARCH. ZAIRE RECOGNIZED NEED TO ENCOURAGE PUR SCIENTIFIC RESEARCH BUT SINCE RESEARCH DIFFICULT TO DISTINGUISH FROM EXPLORATION COASTAL STATE MUST CONTROL TO AVOID "ECONOMIC ESPIONAGE." KALONJI EXPLAINED THAT SINCE LDCS HAVE FEW SCIENTIFIC RESEARCH EXPERTS TO PARTICIPATE IN SCIENTIFIC RESEARCH, MANY WOULD PREFER TO STALL UNTIL GREATER EXPERTISE DEVELOPED. MOORE EXPLAINED US APPROACH IN DETAIL AND POINTED OUT THAT COASTAL STATES WOULD REALIZE GREATER BENEFITS IF U.S. APPROACH RATHER THAN CONSENT REGION ADOPTED.

COMPULSORY DISPUTE SETTLEMENT AND PROVISIONAL APPLICATION. KALONJI COULD NOT DISCUSS AS THEY NEEDED FURTHER REVIEW BY ZAIRE LEGAL EXPERTS. HE QUESTIONED CONFIDENTIAL

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NEED FOR SPECIALIZED LOS FORUM RATHER THAN ICJ BUT ACCEPTED EXPLANATION OF NEED FOR SPECIALIZED BODY. MOORE INVITED CAREFUL CONSIDERATION OF U.S. DISPUTE SETTLEMENT ARTICLE WITH POSSIBLE VIEW TO COSPONSORSHIP. CARACAS. KALONJI EXPECTS TO LEAD DELEGATION TO CARACAS OF ABOUT SIX OR SEVEN. HE ALSO INDICATED HE FELT PROCEDURAL ISSUES COULD NOT BE RESOLVED WITHIN ONE WEEK AND THAT IT WOULD BE DIFFICULT TO AVOID PROTRACTED GENERAL DEBATE.

GENERAL. DISCUSSIONS WERE CORDIAL AND DETAILED. KALONJI HIGHLY ABLE AND CLEARLY AMENABLE TO WORKING CLOSELY WITH U.S. AT CARACAS. HE INDICATED REGRET HE COULD NOT ATTEND NAIROBI MEETING TO MODERATE LAND-LOCKED SHELF-LOCKED GROUP SINCE IN HIS ABSENCE HE HAD HEARD UGANDA REP HAD BEEN COUNTER-PRODUCTIVE IN PRESENTING EXTREME VIEWS. SOVIETS ARE APPARENTLY ONLY OTHER COUNTRY WHICH HAS SENT SPECIAL LOS EMISSARY TO KINSHASA. CANADIANS AND U.K., HOWEVER, HAVE GONE IN THROUGH THEIR EMBASSIES. ZAIRIANS CLEARLY INDICATED THAT THEY ARE RELATIVELY FLEXIBLE ON MOST ISSUES, THAT THEY ARE PREPARED TO NEGOTIATE AT CARACAS, AND THAT THEY WOULD LIKE TO SEE EARLY CONCLUSION OF A COMPREHENSIVE TREATY.

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